

# **EXHIBIT B**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PETER TAM and BEVERLY CHIN-TAM,

Plaintiffs,

v.

JUN HAI CHEN

Defendant

Case No. 1:25-cv-10484-DJC

**DECLARATION OF COUNSEL IN SUPPORT OF PLAINTIFFS' REQUEST FOR  
DEFAULT JUDGMENT PURSUANT TO FED.R.CIV.P. 55(b)(1)**

Pursuant to 28 U.S.C. § 1746, the undersigned deposes and states as follows:

1. I, Matthew Gens, am counsel for the Plaintiffs in this matter.
2. I am submitting this declaration solely for the purpose of supporting and authenticating the attorneys' fees and costs that the Plaintiffs request in this matter.
3. I am an attorney with Berluti McLaughlin & Kutchin LLP ("BMK"), located at 44 School Street, 9<sup>th</sup> Floor, Boston, Massachusetts.
4. I earned my Bachelor of Arts, *summa cum laude*, from Dartmouth College, and my Juris Doctor from Harvard Law School, *cum laude*. I have been a member of the Massachusetts bar since 2009, and my practice has always been concentrated in litigation. I have served as counsel on behalf of the Plaintiffs from shortly prior to the filing of this suit.
5. John McLaughlin is a partner with BMK. He has been a member of the Massachusetts bar since 1981, his practice focuses on business planning and transactions as well as estate planning, and he does work in real estate and civil litigation as well. His work on this matter, which accounts for a smaller fraction of the fees, was concentrated in the pre-suit period.

6. BMK is a boutique law firm that focuses on the practice areas of civil litigation, real estate, business planning and transactions, and estate planning.

7. The work in this action has entailed pre-suit fact development and analysis, the preparation and service of the pleadings, as well as the request for default and a default judgment.

8. Throughout the course of this matter, professional services rendered for this matter by all BMK timekeepers have been billed at their normal rates, which are both fair and reasonable, and are the usual rates charged by BMK for cases of this nature.

9. My own rate has been \$500 per hour in 2025. Mr. McLaughlin's rate has been \$600 per hour in 2024, and \$625 per hour in 2025.

10. The following is a compilation from the legal bills, which are attached as an addendum to this Declaration. Costs are also included below as well.

<u>Individual</u>	<u>Regular Rate</u>	<u>Time Spent</u>	<u>Total Billed</u>
<b>2024</b>			
John McLaughlin, Partner	\$600/hour	4.5 hours	\$2,700.00
SUBTOTAL FOR 2024 LEGAL FEES			\$2,700.00
<b>2025 [billed through March]</b>			
Matthew Gens, Associate	\$500/hour	15.2 hours	\$7,600.00
John McLaughlin, Partner	\$625/hour	3 hours	\$1,875.00
SUBTOTAL FOR 2025 LEGAL FEES [THROUGH MARCH]			\$9,475.00
TOTAL LEGAL FEES			\$12,175.00
<b><u>Total Costs</u></b>			
Postage	\$51.57		
Filing Fees	\$405.00		
Service of Process	\$185.40		
TOTAL COSTS:	<u>\$641.97</u>		

**TOTAL BILLED ATTORNEYS' FEES AND COSTS:**

**\$12,816.97**

11. The above calculations encompass all work performed through the last completed invoice, which is for March of 2025. The work for April of 2025, including the work to prepare the accompanying materials in support of the request for default judgment, is still in process, and Plaintiffs anticipate supplementing their filing with the Court with the April invoice when ready.

12. Every charge appended to this declaration was contemporaneously recorded by standard practices employed by BMK. Each fee charged and cost incurred is related to BMK's representation of Plaintiffs in this dispute with Defendant and is reasonable.

13. I am familiar with the attorneys' fees charged within the Commonwealth and the greater Boston area for matters of comparable complexity, and based upon the nature and extent of the legal and factual issues involved in this case, the competence demonstrated by counsel, the results obtained, and the relief sought by Plaintiffs, I aver that the legal fees incurred in the successful prosecution of this case are fair and reasonable based upon the time spent.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 24, 2025.

/s/ Matthew A. Gens  
Matthew A. Gens, Esq. (BBO # 675393)

**CERTIFICATE OF SERVICE**

I, Matthew A. Gens, hereby certify that on April 24, 2025, a true and correct copy of this document filed through the ECF system has been sent by USPS Priority Mail to the Defendant, at his residential address, as follows:

Jun Hai Chen  
28425 Fox Hollow Dr.  
Hayward, CA 94542

/s/ Matthew A. Gens  
Matthew A. Gens

**BERLUTI MCLAUGHLIN & KUTCHIN LLP**

COUNSELLORS AT LAW  
 44 School Street 9th Floor  
 Boston, MA 02108  
 617-557-3030

Peter S. & Beverly Chin Tam  
 191 Washington St.  
 Unit 501  
 Boston, MA 02135

October 31, 2024  
 Statement No. 59415

Re: Baby Cafe

**PROFESSIONAL SERVICES**

10/30/2024	JTM	Telephone conference with client, review emails.		<u>Hours</u>	
				0.50	
		<b>Fees for Professional Services Rendered</b>		<u>0.50</u>	<u>300.00</u>
			<u>Timekeeper Summary</u>		
	<u>Name</u>		<u>Hours</u>	<u>Rate</u>	<u>Total</u>
	John T. McLaughlin		0.50	\$600.00	\$300.00
		<b>Total New Charges</b>			300.00
		<b>TOTAL BALANCE NOW DUE</b>			\$300.00

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 BERLUTI MCLAUGHLIN & KUTCHIN LLP**

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COUNSELLORS AT LAW  
 44 School Street 9th Floor  
 Boston, MA 02108

617-557-3030

Peter S. & Beverly Chin Tam  
 191 Washington St.  
 Unit 501  
 Boston, MA 02135

November 30, 2024  
 Statement No. 59737

Re: Baby Cafe

**PROFESSIONAL SERVICES**

			<u>Hours</u>	
11/04/2024	JTM	Meet with client. Review records, travel.	2.00	
11/06/2024	JTM	Send texts and emails to Jun Chin. Draft letter.	0.80	
11/22/2024	JTM	Telephone conference with client. Draft letter to attorney.	0.60	
		<b>Fees for Professional Services Rendered</b>	3.40	2,040.00

<u>Timekeeper Summary</u>				
<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>	
John T. McLaughlin	3.40	\$600.00	\$2,040.00	

<b>Total New Charges</b>	2,040.00
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Previous Balance	\$300.00
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**Payments**

11/18/2024	Payment received - Check No. 178	-300.00
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<b>TOTAL BALANCE NOW DUE</b>	<b><u>\$2,040.00</u></b>
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Peter S. & Beverly Chin Tam  
 191 Washington St.  
 Unit 501  
 Boston, MA 02135

December 31, 2024  
 Statement No. 60157

Re: Baby Cafe

**PROFESSIONAL SERVICES**

12/13/2024	JTM	Telephone conference with attorney. Telephone conference with client.		<u>Hours</u>	
				0.60	
		<b>Fees for Professional Services Rendered</b>		0.60	360.00
			<u>Timekeeper Summary</u>		
		<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
		John T. McLaughlin	0.60	\$600.00	\$360.00
		<b>Total New Charges</b>			360.00
		Previous Balance			\$2,040.00
			<u>Payments</u>		
12/17/2024		Payment received - Check No. 207			-2,040.00
		<b>TOTAL BALANCE NOW DUE</b>			\$360.00

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 Boston, MA 02108  
 617-557-3030

Peter S. & Beverly Chin Tam  
 191 Washington St.  
 Unit 501  
 Boston, MA 02135

January 31, 2025  
 Statement No. 60531

Re: Baby Cafe

**PROFESSIONAL SERVICES**

			<u>Hours</u>	
01/08/2025	MAG	Meet with J. McLaughlin regarding dispute over outstanding unpaid loan investments.	0.50	
	JTM	Telephone conference with client. Work on demand letter.	0.50	
01/14/2025	JTM	Telephone conference with attorney. Follow up letter and emails.	0.70	
01/22/2025	JTM	Telephone conference with attorney. Telephone conference with client, emails.	0.60	
01/28/2025	JTM	Telephone conference with attorney for Jun Chen.	0.30	
		<b>Fees for Professional Services Rendered</b>	2.60	1,562.50

Timekeeper Summary

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
John T. McLaughlin	2.10	\$625.00	\$1,312.50
Matthew A. Gens	0.50	500.00	250.00

**Total New Charges** 1,562.50

Previous Balance \$360.00

Payments

01/28/2025 Payment received - Check No. 213 -360.00

**TOTAL BALANCE NOW DUE** \$1,562.50

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 Boston, MA 02108  
 617-557-3030

Peter S. & Beverly Chin Tam  
 191 Washington St.  
 Unit 501  
 Boston, MA 02135

February 28, 2025  
 Statement No. 60874

Re: Baby Cafe

**PROFESSIONAL SERVICES**

			<u>Hours</u>	
02/04/2025	MAG	Correspondence with J. McLaughlin regarding court dockets as to Jun Hai Chen.	0.10	
02/07/2025	MAG	Review case documents; notes on strategy and anticipated claims for complaint.	0.20	
	MAG	Begin drafting complaint.	1.10	
02/10/2025	MAG	Work on draft complaint.	0.60	
	MAG	Meet with J. McLaughlin regarding draft complaint.	0.10	
02/11/2025	JTM	Telephone conference with client.	0.60	
	MAG	Work on draft complaint.	2.10	
	MAG	Lengthy call with P. Tam and J. McLaughlin regarding facts concerning anticipated complaint.	0.60	
	MAG	Meet with J. McLaughlin following call with P. Tam and review additional fact documents concerning same.	0.20	
02/12/2025	MAG	Work on draft complaint.	0.30	
02/13/2025	MAG	Draft civil cover sheet and category sheet for anticipated filing of complaint.	0.60	
02/18/2025	MAG	Further revisions to draft complaint.	0.40	
	MAG	Correspondence with P. Tam regarding draft complaint.	0.40	
02/27/2025	MAG	Correspondence with J. McLaughlin regarding anticipated complaint.	0.30	
	MAG	Calls with P. Tam regarding complaint.	0.70	n/c
	MAG	Revise draft complaint following call with P. Tam and correspondence with P. Tam regarding same.	0.80	
	MAG	Work preparing exhibits, as to be redacted, for complaint anticipated to be filed with federal court.	0.90	
02/28/2025	MAG	Finalize and coordinate filing of complaint and associated materials.	0.10	
	MAG	Draft correspondence and coordinate for service on defendant J. Chen.	0.80	
	MAG	Correspondence and call with P. Tam regarding complaint as filed; notes regarding same.	0.40	

Peter S. &amp; Beverly Chin Tam

February 28, 2025

RE: Baby Cafe

Statement No. 60874

Page No. 2

<b>Fees for Professional Services Rendered</b>	<u>Hours</u>	
	10.60	5,375.00

<u>Timekeeper Summary</u>			
<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
John T. McLaughlin	0.60	\$625.00	\$375.00
Matthew A. Gens	10.00	500.00	5,000.00

EXPENSES

02/28/2025	Commonwealth of MA - filing fee	<u>405.00</u>
	<b>Total Expenses</b>	405.00
	<b>Total New Charges</b>	5,780.00
	Previous Balance	\$1,562.50

Payments

02/21/2025	Payment received - Check No. 215	-1,562.50
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<b>TOTAL BALANCE NOW DUE</b>	<u><u>\$5,780.00</u></u>
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Peter S. & Beverly Chin Tam  
 191 Washington St.  
 Unit 501  
 Boston, MA 02135

March 31, 2025  
 Statement No. 61172

Re: Baby Cafe

**PROFESSIONAL SERVICES**

			<u>Hours</u>	
03/05/2025	MAG	Correspondence with J. McLaughlin regarding as-filed complaint and service efforts.	0.20	
03/06/2025	MAG	Locate applicable process server in environs of J. Chen residence and have detailed call with same to coordinate service of summons and complaint.	0.60	
	JTM	Emails with Chen's attorney.	0.30	
03/07/2025	MAG	Follow-up correspondence with process server regarding service.	0.10	
03/10/2025	MAG	Call with process server company regarding anticipated return of service.	0.10	
03/11/2025	MAG	Review service documentation provided by process server; draft declaration of counsel as to service with contemplated exhibits; file same with court.	1.90	
03/13/2025	MAG	Speak with J. McLaughlin and P. Tam regarding case status and immediate next steps.	0.20	
	MAG	Draft amended complaint; coordinate filing and service of same.	0.80	
03/31/2025	MAG	Work on request for default.	0.80	
		<b>Fees for Professional Services Rendered</b>	5.00	2,537.50

**Timekeeper Summary**

<u>Name</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
John T. McLaughlin	0.30	\$625.00	\$187.50
Matthew A. Gens	4.70	500.00	2,350.00

**EXPENSES**

03/03/2025	Postage	10.62
03/03/2025	FedEx to Jun Hai Chen	40.95
03/11/2025	D&R Legal Process Svc - Service of Process to Jun Hai Chen	185.40
	<b>Total Expenses</b>	236.97

Peter S. & Beverly Chin Tam  
RE: Baby Cafe

March 31, 2025  
Statement No. 61172  
Page No. 2

<b>Total New Charges</b>		2,774.47
Previous Balance		\$5,780.00
<u>Payments</u>		
03/31/2025	Payment received - Check No. 221	-5,780.00
<b>TOTAL BALANCE NOW DUE</b>		<u><u>\$2,774.47</u></u>

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